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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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8 UNITED STATES OF AMERICA,
9 Plaintiff,
10 v.
11 JORGE ESTRADA,
12 Defendant.

No. CR 06-00375 SI

**ORDER DENYING THE GOVERNMENT'S
MOTION TO EXCLUDE DIMINISHED
CAPACITY DEFENSE**

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14 On July 27, 2007, the Court heard argument on the government's motion to exclude plaintiff's
15 diminished mental capacity defense at trial. Having considered the arguments of the parties and the
16 papers submitted, and for the reasons stated on the record, the Court DENIES defendant's motion
17 without prejudice to renewal at the time of trial. (Docket No. 46)

18 **IT IS SO ORDERED.**

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20 Dated: July 30 , 2007

Susan Illston
21 SUSAN ILLSTON
United States District Judge
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